



Missouri Division of Workforce Development
DWD Issuance 10-2017

Issued: November 09, 2017
Effective: November 09, 2017

Subject: Collection and Use of Participant Social Security Numbers Policy

1. Purpose: This Issuance revises and updates previous Division of Workforce Development (DWD) guidance¹ regarding U.S. Department of Labor (DOL) policy for the collection and use of workforce system participants' Social Security Numbers (SSNs). This revision updates nomenclature, procedures, contacts, and references with contemporary information, and it supersedes and rescinds previous guidance.

2. Background: DOL active guidance² instructs states in the collection and use of SSNs for workforce services. It also outlines procedure for when a customer refuses to provide his or her SSN but still requests workforce development services.

Section 7 of the Privacy Act³ provides that unless the disclosure is required by federal statute, "It shall be unlawful for any federal, State or local government agency to deny to any individual any right, benefit, or privilege provided by law because of such individual's refusal to disclose his/her Social Security account number." The one exception is that claimants filing for unemployment insurance must provide their SSN.⁴

3. Substance: Staff must request the SSN when the customer requests the following services:

1. *Staff-assisted* Basic Career Services related to eligibility determination, job search activities and employment. These services include activities such as:
 - *Staff assisted* career guidance, including the development of an employability assessment and/or an Individual Employment Plan;
 - Assessments;
 - Career guidance and counseling;
 - *Customized* Labor Market Information;
 - *Staff assisted* résumé preparation;
 - Federal Bonding assistance;
 - *Staff assisted* job searches;
 - Job referrals; and
 - Career workshops.

¹ DWD Issuance 07-2008, "Collection and Use of Social Security Numbers," January 13, 2009 (herein superseded and rescinded).

² U.S. Department of Labor, Employment and Training Administration, Training and Guidance Letter (TEGL) No. 5-08, "Policy for Collection and Use of Workforce System Participants' Social Security Numbers," November 13, 2008. [NOTE: Although still active DOL policy, this TEGL refers to law, regulation, and guidance under the Workforce Investment Act of 1998, repealed by WIOA, and should be read in that context.]

³ 5 U.S.C. Section 552a, "Records maintained on individuals," *see* Note: "Disclosure of Social Security Number."

⁴ TEGL No. 05-2008, Section 4, "Policy."

2. All training and education services. These services include:
 - Assessment testing used to ascertain a participant's educational level and/or employability;
 - Occupational skills training;
 - On-the-Job Training;
 - Educational and job training counseling;
 - Referral to educational services; and
 - Pre-vocational training and related services.
3. When a participant is co-enrolling in a program that offers intensive training services or provides financial assistance (for example, a Trade Adjustment Assistance Relocation Allowance).

The SSN is not required for customers:

1. Who wish to review the list of services available through a Job Center;
2. Who want to access Labor Market Information (self-directed); or
3. Who are conducting a *self-directed* job search (without the assistance of staff) and who do not request a referral to a specific job.

At the point where a customer requests staff assistance, staff will *ask* the customer for his or her SSN. In instances where the customer is *hesitant* to provide the SSN, staff should:

1. Explain that the State is required by law to maintain the confidentiality of the SSN; and
2. Explain that the State uses the SSN to match a program participant's record with that individual's wage record information, after he or she exits the program, to assess the effectiveness of the program.

When a customer refuses to provide the SSN

If it is determined the customer is eligible to receive the services listed above as requiring an SSN, but still does not wish to provide his or her SSN, staff will need to:

1. Create a "pseudo SSN" in the statewide electronic case management system per existing procedure;
2. Proceed with enrollment;
3. Provide services; and
4. Document the unsuccessful attempt to obtain the SSN, and the customer's refusal, as a case note in the statewide electronic case-management system.

SSNs and Performance Measurements

Customers' actual SSNs are used in Workforce Innovation and Opportunity Act (WIOA)⁵ performance measurement calculations to match Unemployment Insurance (UI) wage data directly. Participants without SSNs who cannot be matched directly with wage records are *still included* in the denominator when calculating levels of performance. They are counted as negatives (0 in the numerator) when calculating levels of performance for the second and fourth quarter employment rate/status indicators.⁶

⁵ Pub. L. 113-128 [29 U.S.C. 3101 et seq.].

⁶ DOL, Employment and Training Administration, Training and Employment Guidance Letter (TEGL) No. 26-16, "Guidance on the Use of Supplemental Wage Information to Implement the Performance Accountability Requirements under the Workforce Innovation and Opportunity Act," June 1, 2017.

Therefore, to avoid artificial deflation of performance results, supplemental information will be required for customers with pseudo SSNs. Local Workforce Development Boards (Local WDBs) may use supplemental data to document employment entry, retention, and earnings for those participants not covered by wage records or enrolled under a pseudo SSN. DOL and DWD guidance⁷ identifies allowable sources of supplemental data for tracking employment-related outcomes. All supplemental data sources are subject to audit during Programmatic Monitoring Reviews (PMRs) and/or WIOA Data Element Validation.

4. Action: Effective immediately, staff should continue to request participants' SSN for tracking purposes and only in those documented cases where the participant refuses to provide the SSN should staff utilize this "refusal to disclose" policy.
5. Contact: Direct questions or comments regarding this issuance to the Manager of DWD Performance and Research at (573) 526-8261, or clint.flowers@ded.mo.gov.
6. References: U.S. Department of Labor, Employment and Training Administration, Training and Guidance Letter [\(TEGL\) No. 5-08](#), "Policy for Collection and Use of Workforce System Participants' Social Security Numbers," November 13, 2008.
- U.S. Department of Labor, Training and Employment Administration, Training and Employment Guidance Letter [\(TEGL\) No. 10-16, Change 1](#), "Performance Accountability Guidance for Workforce Innovation and Opportunity Act (WIOA) Title I, Title II, Title III, and Title IV Core Programs," August 23, 2017
- U.S. Department of Labor, Employment and Training Administration, Training and Employment Guidance Letter [\(TEGL\) No. 26-16](#), "Guidance on the Use of Supplemental Wage Information to Implement the Performance Accountability Requirements under the Workforce Innovation and Opportunity Act," June 1, 2017.
- DWD Issuance 10-2017, "Supplemental Wage Information for WIOA Performance Reporting," November 10, 2017.
7. Rescissions: This Issuance supersedes and rescinds DWD Issuance 07-2008, "Collection and Use of Social Security Numbers," dated January 13, 2009.
8. Attachments: None.

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Mardy L. Leathers
Director
Missouri Division of Workforce Development

⁷ DWD Issuance 10-2017, "Supplemental Wage Information for WIOA Performance Reporting," November 10, 2017.